

USER'S GUIDE TO THE HERNDON ZONING ORDINANCE

16. Accessory Buildings (or Structures)

(See Zoning Ordinance § 78-202.6, *Site Plans* and § 78-402, *Accessory Uses and Structures*)

The Town of Herndon Zoning Ordinance User Guide series provides the public with general information on land use regulations affecting activities undertaken by the public and administered by the Herndon Department of Community Development. It is not intended to be a complete statement of all applicable regulations. Individuals are encouraged to contact the Department of Community Development at 703-787-7380 for complete permitting requirements.

What is an Accessory Building?

Accessory buildings or structures include sheds, garages, carports, non-commercial greenhouses and other outbuildings. The Town Zoning Ordinance defines an accessory building as "a subordinate building located on the same lot as the principal building, or a portion of the principal building, the use of which is clearly incidental but customarily associated with the principal building." In most cases, accessory buildings have different zoning provisions than principal (or primary) buildings.

Does the Town regulate all Accessory Structures?

Yes, zoning provisions exist for the proper placement of an accessory structure on the site and for limiting the size of an accessory structure. As with any zoning regulation, if the provisions are not followed, the person responsible for the accessory structure may face violation proceedings and penalty fees.

For Accessory Structures in residential districts (other than multi-family), the following restrictions apply:

- The structure may be no taller than 15 feet, or the height of the principal structure, whichever is less.
- On any lot, the combined floor area of all detached accessory structures must be no greater than 50 percent of the area of the principal structure.
- The structure may not be located in the "setback" or "side yard" required by the Zoning Ordinance.

- The structure must be at least five feet from any alley line; two feet from any rear yard line or side yard line, and ten feet from the main building.
- Construction, enlargement or replacement of an accessory structure may require a Building Permit, a Single Lot Development Plan or other approval prior to its placement. See chart below, as well as User Guide #6, *Single Lot Development*, or Zoning Ordinance § 78-402.4(f), *Required Approvals*.

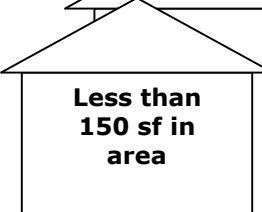
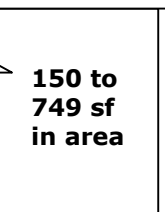
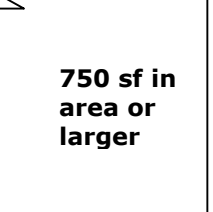
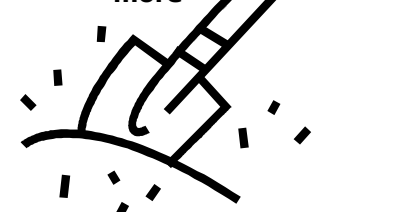
For Accessory Structures in multi-family and non-residential districts, the following restrictions apply:

- The structure may be no taller than 18 feet, or the height of the principal structure, whichever is less. A parking structure shall not exceed the height of the principal structure.
- The floor area of the structure (other than parking structures) must be no greater than 10 percent of the area of the lot on which the principal structure is located.
- The structure may not be located in a required setback, unless it is a gate house.
- The structure may not be located in any required buffer, screening or landscaped area.
- Structures located on land adjacent to existing residential development or undeveloped land in a residential zoning district shall be located not closer to the property line than a distance equivalent to the height of the accessory structure.
- Trash enclosures are accessory structures and shall be located at least 50 feet away from a lot line adjoining existing residential development or undeveloped land in a residential district.

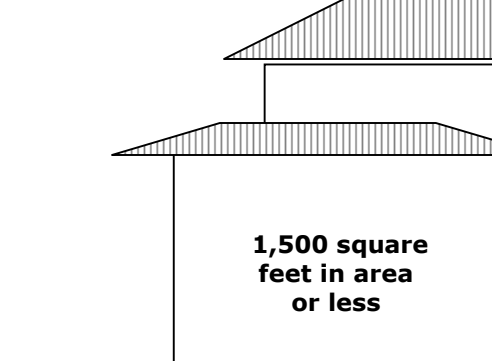
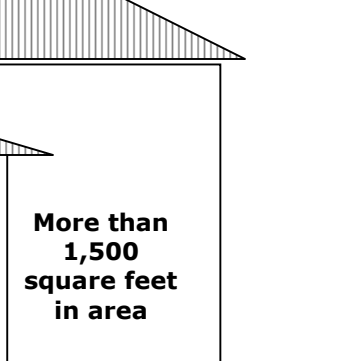
Any development proposed within the Town is subject to the Town's zoning and subdivision regulations. Most development requires detailed

review through a Site Plan review process. The following table indicates the level of approval needed for certain types of accessory structures.

**Level of Approval
Needed for
Accessory
Structures in
Residential
Districts (other
than Multi-
Family)**

 <p>Less than 150 sf in area</p>	 <p>150 to 749 sf in area</p>	 <p>750 sf in area or larger</p>	 <p>With associated land disturbance of 2,500 sf or more</p>
<p>No zoning approval needed. Must comply with zoning regulations.</p>	<p>Requires Building Location Survey</p> <p>Requires Building Permit</p>	<p>Requires Single Lot Development Plan</p> <p>Requires Building Permit</p>	<p>Requires Single Lot Development Plan</p>

**Level of Approval
Needed for
Accessory
Structures in
Multi-Family and
Non-Residential
Districts**

 <p>1,500 square feet in area or less</p>	 <p>More than 1,500 square feet in area</p>
<p>Requires Minor Site Plan</p> <p>Requires Building Permit</p>	<p>Requires Site Plan with Public Hearing</p> <p>Requires Building Permit</p>

Need more information?

Have a question regarding required permits, the permit process, or application requirements? Call or make an appointment to see a member of the staff in the **Department of Community Development at 703-787-7380**.

Have a question regarding Building Permits or Construction Codes? Call or make an appointment to see the **Building Official at 703-435-6850**.

Visit the Town of Herndon on the web at www.herndon-va.gov for the Zoning Ordinance User Guide series or to access the Town Code. Town offices are located at the Herndon Municipal Center at 777 Lynn Street, Herndon, Virginia, 20170.

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